UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/541**
17 July 1995

ORIGINAL: ENGLISH

LETTER DATED 6 JULY 1995 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, dated 29 June 1995, on the occasion of the twentieth anniversary of the adoption of a resolution on the question of Korea at the thirtieth session of the General Assembly (see annex).

I should be grateful if you would kindly arrange to have the memorandum circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Permanent Representative

** Second reissue for technical reasons.

95-21268 (E) 170795 180795

/...

Annex

Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea dated 29 June 1995 on the occasion of the twentieth anniversary of the adoption of a resolution on the question of Korea at the thirtieth session of the General Assembly

Establishment of a peace mechanism on the Korean peninsula

Twenty years have passed since the adoption in November 1975, at the thirtieth session of the United Nations General Assembly, of a resolution to dissolve the United Nations Command, withdraw all foreign troops stationed in south Korea and replace the Armistice Agreement with a peace agreement.

However, no single provision of the resolution has so far been implemented, nor has the unstable situation on the Korean peninsula been eased.

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea is issuing the present memorandum to make the Government's position clear concerning the implementation of the resolution.

I. Sincere efforts by the Government of the Democratic People's Republic of Korea to implement the resolution

The Government of the Democratic People's Republic of Korea has put forward reasonable means and proposals and made every possible effort to implement the resolution and achieve a lasting peace on the Korean peninsula.

The Government has paid particular attention to talks with the United States in its efforts to implement the resolution and achieve peace. In its resolution, the General Assembly firstly demanded the dissolution of the United Nations Command and the withdrawal of all the foreign troops stationed in south Korea under the flag of the United Nations; secondly called upon the real parties to the Armistice Agreement to replace the Korean Military Armistice Agreement with a peace agreement as a measure to ease tension and maintain and consolidate peace on the Korean peninsula; and thirdly requested the north and the south of Korea to ease the military confrontation in Korea, maintain a durable peace and promote the independent and peaceful reunification of the country by taking practical steps to observe the principles of the north-south joint statement, suspend the arms build-up, reduce the troops on both sides by a large margin on an equal footing, prevent armed conflict and refrain from the use of armed forces.

The ways to implement the resolution can be sought only through talks with the United States, which is a direct party to the Korean Armistice Agreement, has its troops stationed in south Korea and controls the military and operational command.

In 1974, the Government of the Democratic People's Republic of Korea proposed talks with the United States in order to replace the Armistice Agreement with a peace agreement. It has waited patiently, with the door open to dialogue, in the hope of getting a positive response, while making great efforts to implement the resolution.

However, the United States Administration, together with the south Korean puppet army, has, since 1976, staged "team spirit" joint military exercises against us each year, mobilizing nuclear weapons instead of coming to the talks, and even cancelled the already proclaimed reduction plan of American troops in south Korea, in July 1979.

The Government of the Democratic People's Republic of Korea has not given up its efforts to prevent war and maintain peace amid the ever-increasing threat of war.

On 10 January 1984, the Government of the Democratic People's Republic of Korea made an epoch-making proposal to have tripartite talks among the Democratic People's Republic of Korea, the United States and the south Korean authorities, with a view to reaching a peace agreement with the United States and a non-aggression declaration between the north and the south.

The demands of the United States were duly considered in our proposal for tripartite talks.

As to the tripartite talks, they had been initially proposed by the United States in 1976, further advocated in the United States-south Korea "joint statement" released in July 1979 during the trip of President Carter to south Korea, and again addressed in a speech made by President Reagan during his trip to south Korea in November 1983.

However, the United States authorities have refused our proposal for tripartite talks from the beginning and have taken the path of worsening the political and military confrontation.

With a view to easing the political and military tensions between the north and the south of Korea, though it is not a package solution guaranteeing peace, the Government of the Democratic People's Republic of Korea, on 30 December 1986, set forth a new proposal to hold high-level political and military talks between the north and the south and made patient efforts for their realization.

The Government of the Democratic People's Republic of Korea put forward a proposal for arms reduction, including detailed measures to open the path leading to peace, and took active steps to do so, maintaining efforts to hold talks among the parties for maintaining peace on the Korean peninsula.

On 23 July 1987, the Government of the Democratic People's Republic of Korea proposed reducing the troops in the north and the south to less than 100,000 each, in three phases, while maintaining a balance of armed forces on the Korean peninsula by means of reduction, not reinforcement. Accordingly, the Government called for a phased withdrawal of United States forces from south

Korea, and as a show of good faith, it unilaterally discharged 100,000 soldiers by the end of 1987.

On 7 November 1988, the Government of the Democratic People's Republic of Korea introduced a comprehensive peace proposal in the form of a phased arms reduction to realize the principle of guaranteeing peace and the withdrawal of United States troops in parallel with arms reduction and verification in the north and the south.

Again, on 31 May 1990, it set forth a broad proposal for universal and complete arms reduction and peace on the Korean peninsula, including confidence-building, arms reduction, withdrawal of foreign troops and the adoption of a non-aggression declaration between the north and the south.

Owing to the sustained generosity and sincere efforts of the Democratic People's Republic of Korea, high-level talks between the north and the south were held in September 1990 to ease the political and military confrontation between the north and the south. After several talks, the agreement on reconciliation, non-aggression, cooperation and exchange between the north and the south was adopted in December 1991.

The north-south Joint-Military Committee was organized to supervise the implementation of the non-aggression agreement. As a result of the agreement, a substantial foundation for preserving peace between the north and the south has been laid.

The questions remain to be resolved only between the Democratic People's Republic of Korea and the United States in implementing the resolution for a durable peace on the Korean peninsula.

If the United States had accepted the fair and aboveboard proposals of the Democratic People's Republic of Korea, the resolution would have been implemented long ago, the danger of war removed from the Korean peninsula and a lasting peace settled in the region.

II. Establishment of a new peace mechanism without further delay

1. The establishment of a new peace mechanism in place of the outdated armistice system on the Korean peninsula is an important matter that should not be further delayed.

The United States, a signatory to the Korean Armistice Agreement, far from observing it, has systematically wrecked and violated it.

Shortly after the Armistice Agreement was signed and its implementation began, the United States set out to abrogate unilaterally paragraph 13 D, the nucleus of the Agreement. According to paragraph 13 D, the introduction into Korea of reinforcing combat aircraft, armoured vehicles, weapons and ammunition were to cease, and it stipulated that the Neutral Nations Supervisory

Commission, through its Neutral Nations Inspection Teams, should conduct supervision and inspection of the implementation in that respect.

The United States, right after signing the Armistice Agreement on 27 July 1953, began to introduce into south Korea operational materials on a large scale, pursuing war preparations.

During the period from the cease-fire to 15 April 1954, the exposed operational materials alone deployed into south Korea by the United States amounted to 177 combat aircraft, 465 cannons and 1,365 machine-guns of different calibre.

When the shipment of its operational materials had been brought to light one after the other, the United States unilaterally informed the Neutral Nations Inspection Teams monitoring the introduction of operational materials in south Korea, at the seventieth meeting of the Military Armistice Commission (MAC), on 31 May 1956, that their activities would be prohibited and forced them to withdraw in June 1956.

As a result, the Neutral Nations Inspection Teams that were established and were carrying out their mandate according to the Armistice Agreement ceased to exist.

At the seventy-fifth meeting of MAC, on 21 June 1957, the United States declared an abrogation of the observance of paragraph 13 D of the Armistice Agreement.

Thus, the main legal component in the Armistice Agreement to prevent the recurrence of war disappeared and the armistice agreement and the cease-fire mechanism have since become powerless.

The 1968 Pueblo incident and the 1994 American helicopter incident that brought the situation on the Korean peninsula to the brink of war could be solved only through direct talks between the Democratic People's Republic of Korea and the United States, not through the armistice system.

The Neutral Nations Supervisory Commission, whose main mandate was to monitor the introduction of operational materials, in actuality had nothing to do owing to the abrogation of paragraph 13 D of the Armistice Agreement by the United States.

The United States could therefore introduce into south Korea up-to-date weapons, including nuclear weapons, freely.

The United States abrogation of paragraph 13 D of the Armistice Agreement means the abrogation of paragraph 61 of the Agreement, in which it is stipulated that the Agreement is to be revised and supplemented only by agreement between the two sides. It is the destruction of the legal foundation for maintaining the Armistice Agreement.

Moreover, in March 1991, the United States paralysed MAC, the only supervisory body to implement the Armistice Agreement, by appointing to the post

of "senior member" of MAC a "general" of the puppet army of south Korea, which is not a signatory to the Armistice Agreement, but doggedly went against its signing and has no real power in the maintenance of the cease-fire.

Under those conditions, the Korean People's Army took steps to recall its members from MAC and the delegation of the Chinese People's Volunteers was also compelled to withdraw.

With the Korean-Chinese side completely withdrawn from MAC, the delegations to the Neutral Nations Supervisory Commission relying on MAC had to be pulled out.

Owing to the irresponsible acts of the United States in the past, the Korean Armistice Agreement has now become a mere scrap of paper, with no content, only form, and the armistice supervisory mechanism, a tool for fulfilling the Agreement, has remained like a house without pillars.

It has not been possible to rehabilitate and revive the armistice system and there is no other way but to replace it with a new system. With the armistice system in place on the Korean peninsula having huge armed forces across the military demarcation line, any trivial accidental occurrence cannot be ruled out.

The immediate task assigned to the real signatories to the Armistice Agreement is to provide institutional machinery to prevent the recurrence of war in Korea.

2. The United States must remove the insignia "United Nations Forces" from the caps of its forces present in south Korea.

The "United Nations forces" present in south Korea, a legal party according to the Korean Armistice Agreement, are an anachronistic creature produced by the United States, which is abusing the name of the United Nations to justify the Korean war after unleashing it.

As to the unreasonable resolution of the Security Council of 7 July 1950, which is claimed to be the legal foundation of the "United Nations forces" in south Korea, it simply recommended that the "assistance" provided by United Nations Members should be used by the "United States-led combined forces command".

The "United Nations Command" in south Korea is a camouflaged one created by the United States, at its disposition, not by any resolution of the United Nations.

In the wake of the armistice, all the countries, except the United States, that took part in the Korean war have withdrawn their troops at the instruction of their Governments, not by the resolution of the United Nations.

The "United Nations Command" in south Korea means the United States command, and the "United Nations forces" are United States forces.

In this regard, the Secretary-General of the United Nations, in his letter of 24 June 1994 addressed to the Minister for Foreign Affairs of the Democratic People's Republic of Korea, said that the dissolution of the "United Nations Command" falls under the jurisdiction of the United States Government since the unified command had been established under the United States, not as a body under the Council's own jurisdiction.

Peace cannot be guaranteed on the Korean peninsula by the old armistice system with the "United Nations forces" as a concerned party.

The "United Nations Command", an aggressive tool in the era of the cold war, must be dissolved without delay. Its dissolution is recommended in a resolution of the United Nations and is a requirement of the international peace forces.

Even the United States-side resolution adopted at the thirtieth session of the General Assembly carried the idea that negotiations for new measures to replace the Armistice Agreement should be held and the "United Nations Command" dissolved when an alternative proposal was made.

It can be said that an alternative proposal and conditions to dismantle the "United Nations Command" have been initiated as the Government of the Democratic People's Republic of Korea advanced a new proposal to establish a peace mechanism in April 1994 and the Democratic People's Republic of Korea-United States agreed framework was concluded in October 1994 and is at the stage of implementation.

The United States should discharge its obligations and role in maintaining peace on the Korean peninsula by taking a decisive step to withdraw its troops from south Korea and conclude a peace agreement with the Democratic People's Republic of Korea, as stipulated in the General Assembly resolution.

Should the United States not be in a position to do so at once, it should at least dissolve the "United Nations Command", as stipulated in both United Nations resolutions.

However, if the United States ignores and turns its back on our just proposal, which deserves to be duly accepted, the Government of the Democratic People's Republic of Korea will be forced to take the necessary measures one by one and unilaterally in order to remove completely the remains of the cold war in Korea.